

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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SENATE BILL DRS45284-NJ-32

Short Title: Domestic Violence Divorce Reform Act.

(Public)

Sponsors: Senators Bradley, Grafstein, and Smith (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED
AN ACT TO AMEND SEPARATION LAWS FOR ABSOLUTE DIVORCE AND TO
ABOLISH THE COMMON LAW CIVIL ACTIONS OF ALIENATION OF AFFECTION
AND CRIMINAL CONVERSATION.

The General Assembly of North Carolina enacts:

PART I. SEPARATION LAW REVISIONS

SECTION 1.(a) G.S. 50-6 reads as rewritten:

"§ 50-6. Divorce after separation of ~~one year~~ six months on application of either party.

(a) Marriages may be dissolved and the parties thereto divorced from the bonds of matrimony on the application of either party, if and when the ~~husband and wife~~ spouses have lived separate and apart for ~~one year~~ six months, except as provided in subsections (b) and (c) of this section, and the plaintiff or defendant in the suit for divorce has resided in the State for a period of six months.

(b) The six-month period of separation may be waived upon agreement of both parties if the divorce is uncontested and does not involve minor children.

(c) If a person in the marriage is a victim of domestic violence, as defined under G.S. 50B-1, and the person's spouse by marriage is responsible for committing that act of domestic violence, the person who is the victim of domestic violence may seek a divorce without having to meet the six-month period of separation. In making application for divorce pursuant to this subsection, the application shall contain each of the following:

(1) A statement by the applicant that the applicant is a victim of domestic violence.

(2) Evidence that the applicant is a victim of domestic violence, which evidence shall include at least two of the following:

a. Law enforcement, court, or other federal or State agency records or files.

b. Documentation from a domestic violence program, if the applicant is alleged to be the victim of domestic violence.

c. Documentation from a medical or other professional from whom the applicant has sought assistance in dealing with the alleged domestic violence.

(d) A divorce under this section shall not be barred to either party by any defense or plea based upon any provision of G.S. 50-7, a plea of res judicata, or a plea of recrimination. Notwithstanding the provisions of G.S. 50-11, or of the common law, a divorce under this section



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shall not affect the rights of a dependent spouse with respect to alimony which have been asserted in the action or any other pending action.

(e) Whether there has been a resumption of marital relations during the period of separation shall be determined pursuant to G.S. 52-10.2. Isolated incidents of sexual intercourse between the parties or cohabitation for financial reasons shall not toll the statutory period required for divorce predicated on separation of ~~one year-six months~~."

SECTION 1.(b) G.S. 50-8 reads as rewritten:

"§ 50-8. Contents of complaint; verification; venue and service in action by nonresident; certain divorces validated.

In all actions for divorce the complaint shall be verified in accordance with the provisions of Rule 11 of the Rules of Civil Procedure and G.S. 1-148. The plaintiff shall set forth in his or her complaint that the complainant or defendant has been a resident of the State of North Carolina for at least six months next preceding the filing of the complaint, and that the facts set forth therein as grounds for divorce, except in actions for divorce from bed and board, have existed to his or her knowledge for at least six months prior to the filing of the complaint: Provided, however, that if the cause for divorce is ~~one year-six month~~ separation, then it shall not be necessary to allege in the complaint that the grounds for divorce have existed for at least six months prior to the filing of the complaint; it being the purpose of this proviso to permit a divorce after such separation of ~~one year-six months~~ without awaiting an additional six months for filing the complaint: Provided, further, that if the complainant is a nonresident of the State action shall be brought in the county of the defendant's residence, and summons served upon the defendant personally or service of summons accepted by the defendant personally in the manner provided in G.S. 1A-1, Rule 4(j)(1). Notwithstanding any other provision of this section, any suit or action for divorce heretofore instituted by a nonresident of this State in which the defendant was personally served with summons or in which the defendant personally accepted service of the summons and the case was tried and final judgment entered in a court of this State in a county other than the county of the defendant's residence, is hereby validated and declared to be legal and proper, the same as if the suit or action for divorce had been brought in the county of the defendant's residence.

...."

SECTION 1.(c) This section does not affect cases pending when this act becomes law.

PART II. ABOLISH ALIENATION OF AFFECTION/CRIMINAL CONVERSATION

SECTION 2.(a) G.S. 52-13 is repealed.

SECTION 2.(b) Chapter 52 of the General Statutes is amended by adding a new section to read:

"§ 52-14. Abolish causes of action for alienation of affection; criminal conversation.

The common-law causes of action for alienation of affection and criminal conversation are abolished."

SECTION 2.(c) This section does not affect cases pending when this act becomes law.

PART III. EFFECTIVE DATE

SECTION 3. Except as otherwise provided, this act is effective when it becomes law and applies to actions commenced on or after that date.